

FIFTH DISTRICT OF THE COURT OF
APPEAL
GROUNDBREAKING CEREMONY
CHIEF JUSTICE RONALD M. GEORGE
JANUARY 5, 2006
FRESNO, CALIFORNIA

Thank you Presiding Justice Ardaiz. I am very pleased to be here to participate in the start of this exciting new courthouse project. It is most fitting that Jim Ardaiz is the Master of Ceremonies for today's events. Shortly after becoming Administrating Presiding Justice of the Fifth Appellate District, he began to work toward securing a new facility for the court. He

has been a very strong advocate on behalf of the Fifth District in the ensuing 11 years, and he deserves our deep gratitude for the hard work he has done in order to reach this day. I am told that the beautiful design of this building originated from a drawing on a napkin by Justice Ardaiz — unfortunately not preserved for posterity. It is very appropriate that this structure is named after a great justice and great legislator, George Zenovich.

Others here today also played an important role. Former Fifth Appellate District Clerk/Administrators Eve Sproule and Kay Frauenhotlz, and the present holder of that office, Leisa Biggers, were invaluable. The

support of the justices of the court and the court staff, as well as Congressman Jim Costa and California State Senators Jeffrey Denham, Chuck Poochigian, and Ray Ashburn, as well as Assemblymembers Kevin McCarthy, Barbara Mathers, Juan Arumbula, Michael N. Villines, David Cogdill, Nicole Parra, and Bill Maze all have helped make this day happen. Present here today are representatives from the Department of General Services — an agency that was indispensable in developing and moving this project. Also present are Bill Vickrey, Administrative Director of the Courts, and Ron Overholt, his Chief Deputy. They and their staff from the A.O.C. have worked closely with the

court, the community, and the Department of General Services on the project. The Court of Appeal even got my old driving companion CHP Officer Mike Spicer out of retirement for the groundbreaking shoveling that will follow.

The Fifth Appellate District is one of six Courts of Appeal in California. It hears appeals from the Superior Courts in 9 counties: Fresno, Kern, Kings, Madera, Mariposa, Merced, Stanislaus, Tulare and Tuolumne. I want to welcome the presiding judges and clerk-administrators from many of those courts who are here today. And an eminent alumnus of the Fifth District, my colleague on the Supreme Court Marvin Baxter, a native of the Fresno

area — or more precisely, of Fowler — is present here today.

I want to mention that the Fifth District Justices and staff have undertaken many outreach efforts that involve not only the appellate court and the trial courts, but the entire community as well. Under Justice Ardaiz's leadership, the Fifth District also hosted a special Supreme Court oral argument session held in Fresno a few years ago. Justices, judges, and lawyers worked with local school districts to provide information on the judicial system and on the cases that were to be argued. Some of the students were selected to ask questions at the beginning of the court session, and during the

session hundreds of students had an opportunity to see the proceedings live, while thousands of others watched on the California Channel in their classrooms across the Central Valley.

Justice Ardaiz served as the Master of Ceremonies for that event as well — and did an excellent job. The Fifth District, along with the trial courts that were involved together with the legal community, all set a very high standard for these special sessions, which subsequent hosts have had to work hard to match.

This openness to experimentation should not be surprising. The Fifth District's jurisdiction includes the area of our state that has been expanding the most rapidly and thus that is

raising new challenges to our obligation to provide fair and accessible justice for all. In the past 10 years, there has been a 22 percent increase in population — and a similar increase is expected in the coming decade.

A priority of mine is to have the Legislature and the Governor agree to create additional new judgeships — nowhere are they more needed than in the Central Valley and the Inland Empire. As population increases, growing caseloads for the courts are never far behind. The Fifth District provides an excellent example of this phenomenon: When the court moves to the building whose official construction commences today, it will be the third move since

its creation in 1961 dictated by the need to accommodate growth in the court's business.

A groundbreaking ceremony provides a time to reflect on the history of our judicial system — and our aspirations for its future. Courthouses play a unique role. They must reflect the dignity and importance of the work performed within their walls, and at the same time they must provide the space, house and protect the people, and accommodate the tools needed to accomplish that work. They must be accessible to the public and responsive to public needs — but provide a neutral decision-making forum for all segments of the community.

Last year, our branch celebrated the 100th anniversary of the creation of the Courts of Appeal. Today, the six districts and 105 justices of the Courts of Appeal are an indispensable part of our state's justice system. Litigants dissatisfied with a trial court ruling may, as a matter of right, appeal to the Courts of Appeal. Sitting in panels of three, the justices review lower court determinations and render what is, in the vast majority of cases, the final decision in the matter.

If further review is desired, a party must seek review in the California Supreme Court. But in the Supreme Court, review is discretionary — there is no right of appeal

except in death penalty matters. The Supreme Court's role is to consider questions of statewide importance and to resolve conflicts among the Courts of Appeal.

To understand the impact of the actions of the Courts of Appeal on individual cases and litigants one need only consider that last year they disposed of some 22,000 matters — more than 12,000 by full, written opinions. During the same period, the Supreme Court issued approximately 120 written opinions and denied review in more than 8000 cases. In short, for most cases that are appealed, the Court of Appeal provides the final word.

All courts, trial and appellate, are designed to serve the public and to ensure the fair and accessible administration of justice for all. The importance of an independent judiciary, capable of fairly adjudicating disputes based on the law and the facts — and not upon popular preference, political pressure, wealth, or influence, permeates the discussions of the founding fathers of our nation and our state. Current events, nationally and abroad, remind us repeatedly of the central role of an independent judicial branch in preserving our democratic system of government.

California is a national, if not worldwide, leader in the administration of justice. In order

to meet the needs of the public we serve, we must have facilities adequate to the task.

California boasts the sixth largest economy in the world and a growing and diverse population.

It is home to cutting-edge development in all spheres, raising new issues and challenges for the courts. To remain effective and to deserve the confidence of those we serve, our courts must be up to the demands of a vibrant and constantly changing community.

This building marks the end of an era as well as the beginning of new service to the community. It is the last Court of Appeal facility that will be developed with the assistance of the Department of General

Services. Over the years, the Department has helped California's appellate courts lease and build facilities, including the retrofit of the Supreme Court's historic headquarters in San Francisco after the 1989 earthquake.

Henceforth, new courthouse facilities, at both the appellate and the trial court levels, will be developed under the supervision of the court system itself. As part of our branch's assumption of greater responsibilities on a statewide level for budget and other administrative services for the courts, facilities for courts are becoming a state responsibility, under the management of the judicial branch.

Trial court facilities traditionally have been the responsibility of the county in which they are located. They too will fall under judicial branch oversight. The process of transferring ownership of trial court facilities from the counties to the courts, authorized by the Trial Court Facilities Act of 2002, already has begun. Funding for this purpose will come from dedicated fees and court-generated revenue — as well as from an anticipated bond measure that we hope will enable us to ensure that all of California's courts are housed in safe and adequate courthouses, consistent with their status as a vital part of our state's infrastructure like bridges and highways.

Judges, court staff, lawyers, litigants, and members of the public all deserve to conduct their business in buildings that can survive an earthquake; accommodate technology; provide adequate space for courtrooms, jurors, and other services; and offer a safe and secure environment for all.

When this building is complete, the words “Equal Justice Under Law” will be inscribed over its front door — just as it is carved into the façade of the United States Supreme Court’s building in Washington D.C. The goal embodied in those words is simple to state, but sometimes difficult to attain. Courthouses in the 19th and early 20th centuries often were called

“Temples of Justice.” The phrase evokes a distant marble edifice, often located on a hill separated from the community. Courthouses today are much more responsive to the communities they serve — and much more focused on meeting the reasonable expectations and needs of those communities. They strive to balance the dignity and impartiality of their function — and the responsibility to effectively serve the community.

Courthouses may no longer be considered temples — but courts continue to strive to ensure that they are worthy of respect for the service they bring to the community and for their role in ensuring that the rule of law remains

strong for all. Courts rely on the confidence of those they serve — and our judicial system has been working hard to justify the trust of the public.

The great British Prime Minister Winston Churchill once said, “First we shape our buildings; thereafter they shape us.” Justice is an idea and an ideal, and a courthouse building helps give concrete form to both. Today we celebrate the start of the actual building of a facility designed to enhance the administration of justice and dedicated to creating equal justice for all.

I am very pleased to be part of this celebration, and once again I congratulate all

those who have made this possible and whose dedication to the fair and accessible administration of justice serves the people of California so well.

Thank you for inviting me to be here with you today. I look forward to joining you again when this structure is officially dedicated and open to the public's business.

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